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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,613	04/21/2005	Armin Geiger	F-8543	7974
28107 7590 07/18/2007 JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168				
			EXAMINER ROSENBAUM, MARK	
			ART UNIT 3725	PAPER NUMBER
			MAIL DATE 07/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,613

Applicant(s)

GEIGER ET AL.

Examiner

Mark Rosenbaum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-19 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-16, 20, 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

Claims 17-19,22 are allowed.

Response to Arguments

Applicants' remarks concerning the claims rejected below have been considered but are not persuasive because each of the newly cited references shows pins in an agitator mill with the pins being used throughout the grinding chamber. This is the basic argument presented by applicants.

Claim Rejections - 35 USC § 102

Claims 1,2 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmitt et al. This patent shows an agitator mill with both stator and rotor having pins throughout the grinding chamber.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by either Geiger or Tsuji. These patents show an agitator mill with both stator and rotor having pins throughout the grinding chamber.

Claim Rejections - 35 USC § 103

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al in view of Geiger. Stein et al discloses the basic agitator mill with pins that do not extend along the entire grinding chamber. This could lead to dead zones in the chamber. Geiger solves this problem by disclosing similar apparatus including the use of pins throughout the grinding chamber. In order to prevent dead zones within the

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grinding chamber, it would have been obvious for one of ordinary skill in the art to modify Stein et al by using pins throughout the chamber, taught to be desirable by Geiger.

Claims 2,5,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al in view of Geiger as applied to claim 1 above, and further in view of Stehr. Stein et al does not have inlet and outlet openings in particular radial areas which may result in inefficient material flow. Stehr et al solves this problem by having inlet and outlet in radial areas. In order to produce a better material flow, it would have been obvious for one of ordinary skill in the art to modify Stein et al by providing radial inlet and outlets, taught to be desirable by Stehr et al.

Claims 3,4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al in view of Geiger as applied to claim 1 above, and further in view of the Japanese patent. Stein et al does not use a truncated cone shaped rotor. This may result in incomplete or inefficient grinding for certain materials. The Japanese patent solves this problem by disclosing similar apparatus including the use of a truncated cone rotor and stator. In order to ensure complete and efficient grinding, it would have been obvious for one of ordinary skill in the art to modify Stein et al by providing a truncated stator and rotor, taught to be desirable by the Japanese patent.

Claims 7-13,15,16,20,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al in view of Geiger as applied to claim 1 above, and further in view of the British patent. Stein et al mill does not swivel which increases maintenance costs. The British patent solves this problem by disclosing similar apparatus including a mill that

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can be swiveled for easy access. In order to provide for easy access, it would have been obvious for one of ordinary skill in the art to modify Stein et al by providing swiveling means for the mill, taught to be desirable by the British patent.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al in view of Geiger and the British patent as applied to claim 7 above, and further in view of Bishop et al. . Stein et al does not provide a self cleaning screen which increases maintenance costs. Bishop et al solves this problem by disclosing similar apparatus including the use of a self cleaning screen. In order to reduce maintenance costs, it would have been obvious for one of ordinary skill in the art to modify Stein et al by providing a self cleaning screen, taught to be desirable by Bishop et al.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Tsuji or Geiger as applied to claim 1 above, and further in view of Stehr. See above for the use of Stehr.

Claims 7-13,15,16,20,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Tsuji or Geiger as applied to claim 1 above, and further in view of the British patent. See above for the use of the British patent.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Tsuji or Geiger in view of the British patent as applied to claim 7 above, and further in view of Bishop et al. See above for the use of Bishop et al.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Rosenbaum whose telephone number is 571-272-4523. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark Rosenbaum
Primary Examiner
Art Unit 3725

MR